

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**ROBERT COTNER, #93780,**

Petitioner,

v.

**STATE OF OKLAHOMA and  
WARDEN MCCOLLUM,**

Respondent.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. **3:13-CV-2668-L**

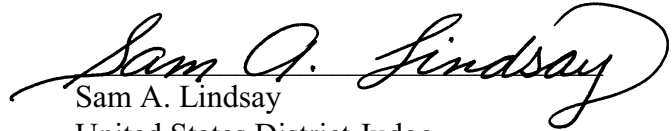
**ORDER**

Petitioner Robert Cotner (“Petitioner”) filed this section 2241 habeas action on July 11, 2013. The case was referred to Magistrate Judge Renee Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on July 15, 2013, recommending that this action be dismissed without prejudice for lack of subject matter jurisdiction. The magistrate judge further notes that Petitioner is a “serial litigator,” who has filed more than 60 civil and habeas actions in Oklahoma and other courts. On July 30, 2013, the court received Petitioner’s Renewed Motion to Grant Petition for Writ of Ad Testificandum and Supplemental Motion to Overrule Magistrate’s Opposition to Proceedings in this Court, which the court construes as objections to the Report. Petitioner also requests a hearing and appointment of counsel.

Having reviewed the pleadings, file, objections, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, the court

**overrules** Petitioner's objections and **dismisses without prejudice** this action for lack of subject matter jurisdiction. Petitioner's request for a hearing and appointment of counsel are **denied as moot**. The court **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court incorporates by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Report, the court determines that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

**It is so ordered** this 31st day of July, 2013.

  
Sam A. Lindsay  
United States District Judge